

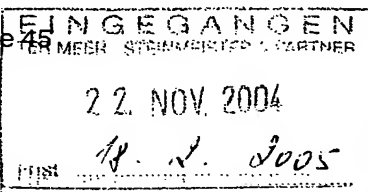
PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

Wagner, Bernhard P
Patentanwälte ter Meer Steinmeister
Association No. 6
Mauerkircherstrasse 45
81679 München
ALLEMAGNE



WRITTEN OPINION

(PCT Rule 66)

TK 19.02.2008 not. K2

Date of mailing
(day/month/year)

19.11.2004

Applicant's or agent's file reference
NC 32019 PCT

REPLY DUE

within 3 month(s)
from the above date of mailing

International application No.
PCT/B 02/05553

International filing date (day/month/year)
20.12.2002

Priority date (day/month/year)
20.12.2002

International Patent Classification (IPC) or both national classification and IPC
H04Q7/32

Applicant
NOKIA CORPORATION et al

1. This written opinion is the **second** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☐ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 20.04.2005

Name and mailing address of the international preliminary examining authority:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Aullo Navarro, A

Formalities officer (incl. extension of time limits)
Kastlova, A
Telephone No. +49 89 2399-2348



I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-16 as originally filed

Claims, Numbers

1-15 as originally filed

Drawings, Sheets

1/1 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

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III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been and will not be examined in respect of:

☐ the entire international application,

☒ claims Nos. 1-15

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 1-15 are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos.

2. A written opinion cannot be drawn due to the failure of the nucleotide and/or amino acid sequence listing to comply with the Standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the Standard.

☐ the computer readable form has not been furnished or does not comply with the Standard.

3.1 In particular, it would be possible at present to identify the following separate inventions:

1) Information exchange between two communication devices, wherein the second communication device is arranged to store information acquired from the first communication device and to compare the stored information with the information contained in the first communication device (Claims 1-7).

2) Provision of at least two logical communication devices in a single communication device that is assigned to one of the logical devices (Claims 8-11)

3) Maintenance of a connection between two communication devices in active state when the one of the two communication devices which is connected to a telecommunications network is made passive (Claims 12-13)

4) Forwarding of data received from a telecommunications network at a communication device to another communication device when both devices are connected via a data link and the former uses the identity of the latter for the access to the telecommunications network (Claims 14-15)

3.2 Since their common features merely correspond to the conventional scenario represented by a system that comprises two communication devices each capable of communicating with a telecommunications network and both being connectable to each other via a data link, which is generally known in the prior art (as acknowledged also by the Applicant in the introductory part of the description), and the remaining features are not only different, but represent separate solutions to different technical problems, the above-identified groups of claims represent separate inventions that are not linked by a single general inventive concept, contrary to the regulations of Rule 13.2 PCT:

3.3 However, this lack of unity is a problem derived rather from the clarity problems indicated above; to raise a proper objection as to lack of unity is not deemed appropriate at this stage, since the introduction of the amendments necessary to overcome the present objections as to lack of clarity would automatically render moot the non-unity objection.

3.4 A possibility to avoid an objection as to lack of unity would be the use of the dependent form for the additional functions associated to the operation of the

7. A similar objection applies also to the expression "using the identity" employed in Claim 12 which also has no well-recognised meaning, leaving the reader in doubt as to the meaning of the technical features to which it refers ("using" being a vague and broad term of unclear meaning, while "the identity" is an undefined feature) and thereby rendering the definition of the subject-matter of Claim 12 unclear, Article 6 PCT.
8. Moreover, Claim 8 and its dependent Claims 9 and 11 are unclear, due to the lack of a proper antecedent for "the second communication device" in Claim 9 and for "the user" (of which device?) in Claim 10. In this respect, it is noted that Claim 8 refers only to one ("the") "communication device", which renders the references in Claim 9 to two ("first" and "second" communication devices unclear).
9. As a consequence of the numerous clarity objections signalled above, the claims are so unclear in their present form that no meaningful opinion could be formed on novelty and inventive step in respect of their subject-matter (Article 34(4)(a)(ii) PCT).
10. However, although a detailed examination of the claims is not practicable at present, some general comments in respect of novelty and inventive step can be made on the subject-matter of the application in the light of the following documents, to which reference is made:

D1: EP-A-0 378 450
D2: US-A-5 524 276
D3: WO-A-02 23933
D4: WO-A-02 21867

- 10.1 In this respect, it is not clear what inventive contribution has been made by the system and method according to the present application over the teachings in any one of documents D1 to D4 (see the passages cited in the International Search Report), which already anticipate the essential features of the present claims, namely the storage in a single communication device of individual information representative of the identity of other different communication devices to allow the single communication device to gain direct access to the individual information

from one of the other communication devices when both communication devices are connected to each other, in order for the single communication device to be representative of one of a number of possible logical communication devices corresponding to the other different communication devices, thereby enabling "personalized multi-user usage" of that single communication device .

10.2 The subject-matter of the present claims is hence deemed to lack an inventive step (Article 33(3) PCT). Therefore, it appears at present that the application does not meet the requirements of Article 33(1) PCT.

10.3 The Applicant is nevertheless invited to comment on the relevance of the cited documents in the reply to this Communication.

11. In addition, the following formal issues should be attended to, when filing a reply to this Written Opinion:

11.1 In order to meet the requirements of Rule 6.3(b) PCT, any amended independent claim to be filed should be properly cast in the two-part form, having a pre-characterizing portion which correctly reflects the features which in combination are known from the document (D1-D4) which, following from the amendments introduced, becomes the most relevant prior art.

11.2 The opening part of the description should be modified to bring it into agreement with the amended independent claims to be filed (Rule 5.1(a)(iii) PCT). Particular attention should be paid to avoiding any reference to "the invention" or to "embodiments" thereof in parts of the description not falling within the scope of the claims to be filed.

11.3 The cited documents D1 to D4 should be acknowledged and briefly discussed in the opening part of the description (Rule 5.1(a)(ii) PCT), so as to put the invention into the proper perspective.

11.4 Following from the disclosure of said documents D1 to D4, the statement of problem in the introductory part of the description should be revised (PCT Guidelines II-4.4 and II-4.6).

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SEPARATE SHEET**

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12. Care should be taken during the revision not to add subject-matter which extends beyond the content of the application as originally filed (Article 34(2)(b) PCT).